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CONGRESSIONAL RECORD—SENATE

there is no doubt in my mind but that the Democrats will win next November. But if we become fragmented in an effort to get a candidate, no matter who that candidate may be, it means, of course, that disunity will be the result and the chances of a Democratic victory next November will be negated to that degree.

Mr. RIBICOFF. I thank the distinguished majority leader and the Senator from Alabama.

ORDER FOR RECESS UNTIL
10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania.

LEAVE OF ABSENCE

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that the distinguished Senator from Arizona (Mr. GOLDWATER) be noted as necessarily absent from the Senate until such period as he is able to return.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Do Senators yield back their time? Mr. HUGH SCOTT. Yes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. MORGAN) is recognized for not to exceed 15 minutes.

A DIALOG ON FREEDOM AND INTELLIGENCE—THE "CHILLING EFFECT" OF GOVERNMENT SPYING ON CITIZENS WHO HAVE DONE NO WRONG

Mr. MORGAN. Mr. President, on Friday of last week we began a dialog which I expect to carry on for a number of days on freedom and intelligence in this country. This morning I want to address my remarks during the morning hour to the chilling effects of Government spying on citizens who have done no wrong.

Mr. President, many times during the course of my 15 months on the Select Committee on Intelligence, I was asked to comment on the committee's work. Just as frequently, my comments provoked criticism from those in the audience who found it hard to believe the FBI, IRS, or any other of the intelligence agencies of the Government could do anything wrong. I must say that prior to serving on the select committee, I had shared their skepticism.

Among the questions I was most frequently asked was why should anyone care whether the Government keeps files on them, or sends agents to attend their meetings or opens their mail, if they have not done anything wrong? The idea being that since most of us

are not criminals, we have nothing to fear from the Government.

The question is important, Mr. President, not for the problem it poses, but for what it demonstrates about what we as individuals have come to expect, and accept, from our Government. If there is one thing I hope to accomplish during my tenure on the new oversight committee it is to rekindle in people's minds the notion of our constitutional forbearers that, barring some overriding public purpose, the rights and liberties of the individual shall be secure against the Government. This was the notion that caused the State of North Carolina to withhold its ratification of the U.S. Constitution until a Bill of Rights was adopted by the Congress. It was the same notion that prompted North Carolinians to adopt their own Halifax resolves and Mecklenburg declaration of independence, two of the earliest demands of the Colonists for a guarantee of individual liberty.

When people ask me, therefore, why we should care if the Government intrudes itself into our lives if we have nothing to hide, I find it particularly disheartening. At the very least, the question shows a lack of understanding of how Government works and what it can do to an individual. But even more important, it shows an indifference to those hard-won rights and privileges that 200 years ago, Americans were willing to fight for, and die for.

Times have changed, and by-and-large Government today has the trust of the people. Ironically, however, never before has the Government been so enmeshed in the lives of its citizens. As society has grown more complicated, the Government's role has expanded. As technology has improved, so has the capacity of the Government improved to insinuate itself into lives of individuals. Few people seem to worry however, about the impact these developments have on their privacy or other rights guaranteed by the Constitution. They see nothing wrong, for instance, in the Government keeping records of their lawful activities, since, as they tell me, they are not doing anything wrong and have nothing to hide.

But this answer fails to take account of the literally hundreds of ways the Government has of taking an action against an individual short of prosecuting him for a crime. Among other things, the Government can audit your taxes, assess your property, furnish information to your employer, deny you Federal benefits, deny you a job, deny you a security clearance, furnish information to potential creditors, or deny you some special status.

The information that Government collects about an individual can be the basis for literally hundreds of administrative decisions—most of which are not made by any elected official or reviewed by any judge. They are made by some Government bureaucrat who is virtually unaccountable for his decisions. If he does not like your politics, or his boss does not like your politics, you may find yourself turned down for a job or denied some Federal benefit.

Moreover, we have seen people sub-

jected to more than simply administrative harassment. In the course of its COINTELPRO, the FBI attempted to break up marriages; tried to foment violence between rival groups; attempted to discredit individuals with their employers and financial backers; planted false news items about people in the press; prevented people from getting honorary degrees and speaking on college campuses; and, in the case of Martin Luther King, attempted to prevent his seeing the Pope.

It has, in short, been amply demonstrated that the Government can and does take actions against individuals and organizations not because they have committed any crime, but because someone in Washington does not like their politics.

But, to my mind, as important as it is to realize what the Government is capable of, it is even more important to realize that it is our rights and liberties which we stand to lose, every bit as much as our jobs and our reputations. Former Chief Justice Louis D. Brandeis in his famous dissent in the Olmstead case in 1928 wrote that—

The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness . . . They conferred as against the Government, the right to be let alone—the most comprehensive of rights and the right most valued by civilized men.

We have all found that one's "right to be let alone" by the Government is far from absolute—that it often gives way for the greater public good. But I think that Brandeis meant that the Bill of Rights at the very least guarantees us that the Government shall not arbitrarily intrude itself into our lives without good reason. Hence, we have the fourth amendment which provides that no search warrant shall be issued except upon probable cause that a crime has been committed. We have the first amendment which protects us against recriminations by the Government for what we say. But, as Justice Oliver Wendell Holmes once wrote, even it will not prevent the arrest of a person who yells "fire" in a crowded theater. The right of the individual, in that case, gives way to the greater public good.

My point, then, is that when we realize that the Government is intruding itself into our personal lives, we owe it to ourselves and to the democracy we live in to ask "Why."

What purpose is derived? Why, for example, should the FBI be paying informants to attend meetings of groups who are suspected of committing no crime? Why should the CIA be opening the mail of individuals who are suspected of committing no crime? What public purpose is served by the Army's keeping files on the political activities of 100,000 individuals who were not suspected of committing any crime? These things happened, and yet no one in the Government questioned them—no one asked "why?"

It bothers me still, that even after these activities have been exposed, and after they have been discontinued, that many people still see nothing wrong, no threat to their own liberty, in their having occurred. People tell me that these